

REGULATIONS TO STREAMLINE

| Agency | COMAR/Statute # | Title | Description | Recommended Action | Benefits of Reform |
|-------------|---|--|---|---|--|
| MDE/ WMA | COMAR 26.08.04 | Online application/fee payment process. | Online application process/ payments for Notice of Intent under General Permit for Construction Activity and other MDE permit applications/fee payments. | Establish increased capability/usage on MDE's website for online applications/ payments. The Notice of Intent (NOI) under the General Permit for Construction Activity would be one of the high priority permits for this capability. This would be facilitated through either the Central Business Licensing (CBL) System or the self-funded eGov Portal. | Time and cost savings to applicants and expedited process for construction projects. |
| MDE | COMAR 26.11.24 | Stage II vapor recovery | Onboard refueling vapor recovery technology on today's gasoline-powered vehicles effectively controls harmful air emissions as cars and trucks refuel, thereby eliminating the need for controls at the gas pump. This reform is intended to eliminate the gas dispenser-based vapor control requirements that have become redundant due to this onboard technology, and thereby eliminate the requirement for pump-based Stage II vapor recovery systems at gasoline stations. | Eliminate this requirement for pump-based Stage II vapor recovery systems at gas stations. MDE has met with the Maryland Petroleum Council to initiate discussions and will convene a stakeholder group in early 2012 to evaluate the feasibility of eliminating the Stage II requirement in Maryland. A phased approach may be taken, where new stations are exempt from the requirement, with existing station being exempted some time later. | Reduction of burden for gas stations by eliminating regulatory requirements that calls for the use of redundant technology. Lower operating costs for gasoline station owners (\$3,277/year x 1,528 stations = \$5,007,256/year upon full implementation). Lower construction costs for new stations (\$35,000 per station x 20 new Stage II related stations per year = \$700,000 per year). |
| MVA | 11.15.12.02 | MD Fleet Registration and Title Program | Streamline and enhance the multi-year registration and title process for companies with fleet vehicles by creating a variable registration period and temporary titling. Also, expand the program's scope in order to reach smaller businesses by lowering the number of vehicles required to meet the definition of fleet. | Amend COMAR 11.15.12.02 to reduce the number of vehicles required to qualify as a fleet from 25 to 10 to extend the program and its benefits to smaller businesses in Maryland, such as smaller rental car companies, including those that provide ADA accessible rental vehicles, maid or plumbing service companies, landscaping service companies, trucking companies, and leasing companies. Allow for variable registration periods from 1-4 years, depending on the needs of the specific business. Revise the regulations to allow companies to electronically apply for Maryland title and immediately obtain a 15 day temporary authority to operate their vehicles. | The proposed changes will now allow smaller businesses to enjoy the benefits of a more efficient Maryland fleet program and provide significant up-front cost and time savings overall. Developing a more streamlined and enhanced Maryland fleet program will help make Maryland more business-friendly for companies that are new to the state as well as existing Maryland businesses by putting their vehicles on the road more quickly and allowing them greater flexibility to maintain the operation of their fleet vehicles. |
| MDE/WMA | Env. Article 5-203.1 | Wetlands and Waterways permits | Outlines the fee structure for Wetlands and waterways permits | Simplify the fee structure for wetlands and waterways permits. Amend State law ad regulations regarding fee structure for wetlands and waterways permits to eliminate two-step payment process. | Streamline/simplify permit fees. Better certainty for affected applicants. |
| MDE | Environment Article 5.9 | Assumption of nontidal wetland regulatory program | The Federal Clean Water Act provides states with the option of assuming administration of the Federal Section 404 permit program pertaining to certain nontidal waters that are otherwise administered by the US Army Corps of Engineers. To assume the Section 404 program, the State needs to show through existing program or passage of legislation that the State has equivalent jurisdiction, regulates the same activities and has adequate enforcement authority. | Assume the Section 404 program, thereby enabling MDE to issue permits currently issued by the USACOE, eliminating current duplicative permitting programs. | Streamline permit process by eliminating duplicative review. |
| MDE and PSC | COMAR 20.79.01.02 (B) (11) | Certificate of Public Convenience and Necessity (CPCN) for Generating stations | The PSC is allowed, by statute, to exempt a project from the need to secure a CPCN. PSC regulations set the project size for an exemption at 373 kW. Beyond this size, and up to 70 megawatts, a waiver procedure is in place and being implemented by policy. The policy allows a waiver to be granted for certain categories of projects if certain conditions are met. Emergency generators constitute one such category. There are between 80 and 100 small emergency generators that seek and receive waiver each year. Waiver process takes several months to complete. Once waiver is secured, MDE becomes the issuing agency for the permit to construct (install) the generator. | Increase the equipment size in the definition of generating station in COMAR 20.79.01.02 (B) (11) to 1,500 kilowatts. If existing exemption threshold was increased in the regulations to 1,500 Kw, it would eliminate an approval step and significantly reduce permitting time for entities needing to install emergency generators, such as hospitals, federal military & security installations, IT server farms & hotels. | At \$500 per waiver for 80-100 waivers a year, businesses could save between \$40,000 and \$50,000 per year in waiver fees plus whatever costs are incurred in hiring consultants to prepare and submit the waiver requests. Avoiding a waiver would also reduce permitting time by several months for equipment that may be needed in an emergency. |
| MDE/SSA | Federal Emergency Planning & Community Right To Know Act of 1986 (EPCRA) § 312 and relevant state law/regs (Environment Article Title 7, Subtitle 6; COMAR 26.26.01) | Community Right To Know (CRTK) | EPCRA was created to help communities plan for emergencies involving hazardous substances. The Act establishes requirements for federal, state and local governments, Indian tribes, and industry regarding emergency planning and CRTK reporting on hazardous and toxic chemicals. CRTK provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment. | Develop and implement e-commerce for CRTK. A major advantage of moving forward with CRTK is that the e-payment module already exists. The final step involves establishing the appropriate interface as was accomplished in the pilot in order to activate the CRTK payment module in the existing application. | 1) Business Preference - The regulated community (currently 517) has long advocated e-commerce as a business efficiency initiative. 2) Audit – would allow MDE to come into full compliance with a prior state audit finding regarding timely receipt of filing fees. Original State statute was amended to delay the reporting deadline and the fee deadline by three months. Even with this change, full compliance is difficult. E-commerce would likely result in 100% compliance; and 3) Fiscal Efficiency - MDE would have a more efficient way to collect generated funds which currently amount to just under \$400K per year. |

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| MDE/WMA | COMAR 26.08.04 | General Permit for Stormwater Associated with Construction Activities - adjustment of public comment period | Revise the public comment period specified in the permit from 45 days after application for sites disturbing 3 acres or more and 30 days for sites disturbing less than 3 acres to 10-15 days by modifying the permit. | Propose permit modification to expedite the permit process. It is rare for comments to be submitted late in the comment period, and there have been numerous requests to shorten it. | Shorten permit turnaround time resulting in expedited process for construction projects. |
| MDE/WMA | COMAR 26.08.02.09A and 26.08.04.01B(6) | Agriculture based food processing wastewater | COMAR requires MDE discharge permit for land application of food processing wastewater. Materials classified by MDA as suitable soil amendments when applied for crop growth are regulated by MDA through nutrient management plans. Where MDE determines no impacts for ground or surface waters would occur if in compliance with MDA requirements, no discharge permit would be required. | Revise the regulation to provide authorization to certain agriculture/small business activities based upon State chemist registration as soil conditioner and implementation of nutrient management plan in lieu of an MDE issued state discharge permit, while retaining the authority to require a permit if the facility operation is likely to cause a water quality impact. | Reduce potential duplicative oversight and administrative burden for these smaller on-site land application sources. |
| MDE/WMA | COMAR 26.23 & 26.24 | Wetlands and Waterways on-line scheduling of pre-application meetings | On-line process to schedule pre-application meetings with potential applicants for permits to impact wetlands and waterways. | The Department has established an on-line process on MDE's website to schedule Wetlands and Waterways pre-application meetings. | Early dialogue on proposed projects will lead to more predictable permit outcome. |
| MDE/WMA | COMAR 26.23 & 26.24 | Wetlands and Waterways permit action milestones | Milestones for wetlands and waterways permit processing. | The Department has established action milestones for wetlands and waterways permit processing.) | Permit process predictability and accountability. |
| DNR | COMAR 08.02.05.12 and 08.02.05.21 | Commercial Fishing Permits | Currently, the regulations for horseshoe crabs, summer flounder, and black sea bass establish declaration deadlines, but do not allow for late declarations or define the consequences for late declarees. The proposed changes would open a 14 day period during which late declarees could appeal to declare late. Current regulations also limit the transfer of permit allocations to 30% of a permit allocation in black sea bass and no transfer specifications are made in summer flounder. The proposed changes would allow permit holders in both fisheries to transfer a full permit allocation to another permit holder that is under the quota cap. | Provide greater flexibility to transfer fishing quota. | The permittees will have greater flexibility to transfer their fishing quota which will give them greater business flexibility |
| DNR | COMAR 08.02.03.14 | Allowing Transfers of Frozen and Male-Only Limited Crab Harvester Licenses (LCC) | A prohibition on transferring Frozen or Male-only LCCs caused an unintentional restriction on transfers of other authorizations as well. | Allow all types of license transfers for LCCs. | Allowing transfers of frozen and male only LCCs provides license holders with more business flexibility and does not affect conservation measures. |
| DNR | COMAR 08.02.02; 08.02.07; 08.02.08 | Shellfish Area Coordinates | Shellfish fishing and closure area coordinates have been created through both statute and regulation over the past century. Because of this inconsistency and frequent changes to the laws and to the geographical area due to weather and erosion, the coordinates have become outdated and very difficult to find and follow. | Shellfish fishing and closure area coordinates will be streamlined and the regulations reorganized and simplified where applicable. | This will make it easier for shellfish harvesters to find specific restrictions and closure areas. |
| DHR/MLSP | 07.01.13.07 | Adult Guardianships or Protective Services. | Describes the Court Appointed Attorney Program Payment Procedures, and the responsibilities of the Director of the Maryland Legal Services Program in reviewing and approving all Petitions for Award of Attorney's Fees in proceedings involving indigent adults. Describes the role of the Judicare Committee of the Maryland State Bar Association. | The Department should modify regulations to provide a more accurate description of the Maryland Legal Services Program's payment procedures for court-appointed attorneys in adult guardianship or protective services proceedings. Amendments should eliminate the Judicare Committee review process to ensure more timely payments to private conflict providers. The modification should also remove an unnecessary hurdle in the review, approval and payment process of the Program. | These modifications will allow timely payments to court-appointed attorneys and providers. |
| DHR, DJS, DHMH | 14.31.06 | Standards for Residential Child Care Programs | Articulates the standards to be met and maintained by residential child care programs, to protect the health, safety, and well-being of children placed in residential child care programs. | Revise chapter. | Updating the regulations to reflect changes in agency structures/processes and technology since the regulations were revised and recodified in 2005 will provide clarity for residential child care programs. |

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| DHMH/OHCQ | COMAR 10.07.02.01B | Nursing Homes | Current definitions used in nursing home regulations | Revise - Update Maryland's regulatory definitions to reflect the national implementation of new person-centered standard care assessments | Brings Maryland's regulations in line with national trends in new healthcare initiatives. |
| DHMH/OHCQ | COMAR 10.07.02.15 | Nursing Homes | Current regulations prohibit nurses from packaging, re-packaging, or labeling any medications in nursing facilities. | Revise - The Department has permitted nurses to provide medications to families under a facility "Leave of Absence" policies and procedures (COMAR 10.07.02.15G). A "Leave of Absence" is a period of 24 hours or fewer. The restriction on nurse re-packaging and labeling should refer to the "Leave of Absence" policy. | Clarifies procedures and policies. |
| DLLR - Commissioner of Financial Regulation | None applicable. | Electronic Delivery of Licenses | The Office of the Commissioner of Financial Regulation will implement a paperless electronic delivery of licenses to financial services institutions licensed by the Office by Jan 1, 2012. This will impact more than 10,000 licensees in industries such as mortgage lending and servicing, check cashing, and debt collection. Currently, institutions licensed by the Office of the Commissioner of Financial Regulation receive physical licenses that are printed and mailed by DLLR. The printing and mailing process results in a 10-20 day delay from the time that the Commissioner's staff approves the application to the receipt of the license in the mail. As licenses must be displayed, produced for potential loan buyers etc., this delay has the unintended consequence of postponing operations for Maryland licensed businesses and individuals. Through the electronic delivery initiative, licenses will be sent electronically on the day that they are approved and printed by the licensee. | Implementation of the electronic delivery of licenses. | The paperless delivery system will reduce cost and increase efficiency and expedite the ability for operations in Maryland to commence. In addition to improving efficiency from the licensee perspective, DLLR will no longer incur the cost of printing and postage associated with issuing paper licenses. |
| DLLR/UI | 09.32.01.15-1 | Report of Refusal of Work | Requires that if an employer offers employment to an unemployed individual and the individual refuses the offer of work, the employer must report the refusal within 15 days in order for the refusal to be considered in determining whether the individual may be disqualified from receiving benefits. | Expand the regulation to include constructive refusals of work including situations in which unemployed individuals fail to respond to employer attempts to convey offers of work. This regulation may need two versions - one that would apply to temporary help firms and the other that would apply to all employers. | Expanded regulation potentially would relieve employers with work available of costs associated with payment of unemployment insurance benefits for those workers who are collecting benefits but who dodge employer attempts to contact them regarding offers of work. |
| MVA | 11.19.02 and 11.19.03 | Conforming to national school bus manufacturing standards | Existing regulations often require costly, non-standard equipment for Maryland school buses, which do not provide any additional margin of safety. These alterations have also delayed vehicle delivery schedules in the past. | Many conforming changes throughout both Type I and Type II School Bus Manufacturing Standards | By conforming to federal standards at a reduced cost, Maryland school bus dealers and buyers will be able to order their buses without extensive modifications. This will make buses less expensive for school systems to purchase since they will no longer have to conform to Maryland-specific manufacturing standards. It will make re-selling buses easier since the buses will conform to a national standard. The changes will allow school bus manufacturers to utilize new technology on the assembly line without the need to make Maryland-specific alterations. The proposed changes will also reduce the cost of replacement parts such as rigid exhaust pipes that are currently required. Additional improvements in safety will be also be achieved via safer and brighter lighting, electric mirrors and fire block upholstery. |
| MVA | 11.15.13 or 11.11.06 | Issuance of a Nonresident Permit Dependents for Members of the Military | Maryland law requires that most vehicles be titled and registered in this state if they will be kept here more than sixty days. A non-resident permit enables a licensed driver to maintain and operate a vehicle with out-of-state registration for more than sixty days without titling and registering it here in Maryland. The non-resident permit is currently available to members of the military on active duty but not their family members. | Amend regulation to extend the same benefit of the non-resident permit to the families of military members in Maryland. | The non-resident permit is \$27 a year, compared with titling a vehicle in Maryland which requires the payment of excise tax, \$100 for title certificate, a Maryland state inspection, a VEIP inspection, and registering the vehicle (another \$64 at the cheapest, per year). With the recent influx of military men and women to Maryland, due to the Base Realignment and Closure (BRAC) initiative, this change in regulation will significantly help ease the burden of their transition, in terms of time and money. |
| MVA | 11.17.09.05 | Source Document Exception Process Elimination of Physician Certification for sick and elderly | Simplify the process for individuals who need a State issued photo ID, but are unable to appear at the MVA in person. | Amend § E. (2) to remove the "licensed physician's" certification requirement for individuals who apply to obtain an Identification (ID) card through the mail and allow the applicant or caregiver to certify the individual is unable to appear in person. | With an aging population, individuals who may have difficulty making it into a physical branch location still need a state issued identification card for medical and other reasons. This will make the application process easier for customers who are eligible for an ID Card that can be issued without having to come into a physical branch location. |

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| MVA | 11.11.02 | OAH Administrative streamlining | Eliminate repetitive regulatory requirements, make the administrative appeal process easier to understand and potentially streamline processes relating to postponement requests, fee impositions and other related administrative tasks at both the Motor Vehicle Administration (MVA) and the Office of Administrative Hearings(OAH). | Amend COMAR 11.11.02 | Eliminates repetitive regulatory requirements and simplified the appeal process. |
| MVA | 11.11.09, 11.11.07, 11.17.10, and 11.11.05.06 | Access to Public Motor Vehicle Administration Records | Streamline and simplify the regulations relating to disclosure of MVA information to the public, clarify the fees relating to such disclosures, and enable citizens to more easily make and understand Public Information Act requests directed to the MVA. | The proposed changes to the regulations under 11.11.09. Access to Public Motor Vehicle Administration Records (“PIA regulations”) would involve eliminating two sets of duplicative regulations (those contained under 11.11.07. Gratis and Complimentary Records and those under 11.17.10. Drivers’ Records) and incorporating those provisions within the PIA regulations. | This change would consolidate and simplify the regulations relating to disclosure of MVA records, public and private. The changes would also consolidate all fees relating to records requests under the Public Information Act by removing old, inaccurate, and outdated fees from the Miscellaneous Fee Schedule under COMAR 11.11.05.06 and by adding an Act specific fee schedule under the PIA regulations. |
| DNR | COMAR 08.02.03.14 | Unfreezing limited crab harvester licenses (LCC) | In order to remove latent licenses from the crab fishery and manage the effort on female crabs, a 2009 regulatory action required latent licensees to declare their license as frozen or male-only. The regulation states that the Department will assess the number of LCC frozen licenses that may be restored to full active status for commercial harvest when the blue crab population meets or exceeds the abundance target for three consecutive years. That target has been met. The Department evaluated and determined that re-entry of these LCCs licenses will not risk our blue crab conservation efforts. | Reinstate the frozen LCCs based on the target being met. | License holders who choose to have their license frozen will now be able to use this license once again. |
| Public Service Commission | 20.07.04.02(C)(3) | Applications for Authority to Issue Stocks, Bonds, Notes and Other Evidences of Indebtedness | Requires public utilities to file reports twice per year showing the disposition of funds raised. | Modified to require that reports be filed when funds from financing or shelf registration have been fully disbursed. | Reduce cost of doing business with no sacrifice in regulatory effectiveness. |
| Public Service Commission | 20.45.04.03 | Public Information | Requires utility to maintain tariffs to be maintained at local business office for inspection by the public. | Modified to require only that tariffs be maintained on the utility's web site | Reduce cost of doing business, increase customer access to tariff information. |
| Public Service Commission | 20.40.02.07(B)(1)(b) and 20.40.02.08(A) | Cost Allocation Manual (CAM) | Requires that cost allocation manuals be filed annually. | Revise to require the filing of a cost allocation manual at the time that the utility files a general rate case. | Eliminates the filing of cost allocation manuals that are filed in a context where the Commission can take no rate impacting action. |